clusive power of the ecclesiastics, denominated in legal phrase, "ecclesiastical cognizance," became not only executive, but judicial. It was executive in taking the body into their actual corporeal possession, and practically guarding its repose in their consecrated grounds; and it was judicial, as well in deciding all controversies involving the possession or the use of holy places, or the pecuniary emoluments which they yielded, as in a broader field, in adjudicating who should be allowed to lie in consecrated earth, and, in fact, who should be allowed to be interred at all.

The deplorable superstition that could induce a people to intrust such a power to any but its civil government and civil courts is amazing, and yet we find the sturdy English nation, under the government of William of Normandy, stripping their cherished Anglo-Saxon courts of all power to protect the dead, and yielding them up blindfold to priestly cognizance. As Sir William Blackstone well says, it was a "fatal encroachment" on the ancient liberties of England. Eight centuries have not sufficed to repair the mischief. Anselm and Becket, in modern garb, live even yet.

The deep-seated, fundamental idea of human burial lies in the mingling our remains with the mother earth. The "dust to dust! earth to earth! ashes to ashes!" of the Church,—echoing, in deeper solemnity, the "*ter pulvere*" of Horace, and hallowing the dying wish of Cyrus,—finds a universal response in the holiest instincts of man in every age. Here, then, was the tender spot for subtle power to touch. Logically pursuing this idea, the ecclesiastical process of excommunication prohibited burial in the earth to all, whether consecrated or not. The precise words of the *formula*, as used in the tenth century, gave over the body of the contumacious offender for food to the fowls of the air and the beasts of the field. "Sint "cadavera eorum, in escam volatilibus coeli, et bestiis "terræ." In some instances, the sentence was more definite and specific, confining the corpse to the hollow trunk of a tree, "in concavo trunco repositum." The essence of the idea being to keep the body out of the earth and on the surface, it was sometimes figuratively expressed in monkish rhetoric by "the burial of an "ass"—or by a stronger and more characteristic image, as "a dung-hill." "Sepultura *asini* sepeliantur, "et in *sterquilinium* super faciem terræ sint." The afflicted but sinful laity, to hide the horror of the spectacle, were wont at times to cover the festering dead with a pile of stones, thereby rearing a *tumulus* or "*bloc;*" so that the process came to be commonly known in mediæval Latin as "*imblocare corpus.*" [Du Cange Glossary, "*Imblocare.*"]

The same dominant idea of the unfitness of spiritual offenders to pollute the earth, can be distinctly traced through the judicial, ecclesiastical condemnations for several centuries. John Huss and Jerome of Prague, being burned at the stake for heresy, early in the fifteenth century, under the ecclesiastical order of the Council of Constance, their ashes were not allowed to mingle with the earth, but were cast into the Rhine.

The legal process of scattering the ashes of the heretic was evidently a very significant and cherished feature, in the ecclesiastical code of procedure; and it was executed in the different portions of Christendom with all attainable uniformity and precision. Within its comprehensive range, it embraced not only the ashes of the heretic freshly burnt, but the moldering remains of any who had been suffered, through mistake or inadvertency, to slip into their graves. Wickliffe, the first English translator of the Scriptures, had ventured, in life, to question certain points of dogmatic theology; but dying in his bed, in the year 1384, had been allowed to sleep for forty-one years in a churchyard in Leicestershire. The assembled dignitaries in the Council of Constance, after duly disposing of the ashes of Huss and Jerome, judicially declared the heresy of Wickliffe; and his bones were accordingly dug up and burnt, and the ashes thrown into the river Avon, in the due exercise of the executive branch of ecclesiastical cognizance, in the year 1425 of the Christian era.

Nor was the ecclesiastical cognizance of the dead confined to delinquents of low degree, or in the plainer walks of life. The Emperor of Germany, Henry the IVth, the victor of more than sixty battles, dying under papal excommunication by Hildebrand, the seventh Gregory, was compelled to lie for five years unburied, in the very sight of the majestic cathedral of Spires, which his father had commenced and he had completed.

But the high and transcendent energy of ecclesiastical cognizance was completely developed in England in the thirteenth century, when it reached its culminating point, with the whole kingdom as the defendant. From the year 1207 to the year 1213, the Interdict of Innocent the Third kept out of their lawful graves all the dead, from the Channel to the Tweed. No funeral bell in the kingdom was permitted to toll; the corpses were thrown into ditches, without prayer or hallowed observance; and the last drop of priestly malice and vengeance was exhausted in compelling all who wished to marry to solemnize the ceremony in the church-yard.

It was during this unbridled career of papal aggrandizement, through these dark and dismal ages, that the ancient civil courts of England gradually lost their original, legitimate authority over places of interment, as private property, and their proper and necessary control over the repose of the dead. The clergy monopolizing the judicial power over the subject, burial was committed solely to ecclesiastical cognizance, while the secular courts, stripped of all authority over the dead, were left to confine themselves to the protection of the monument and other external emblems of grief, erected by the living. But these they guarded with singular solicitude. The tomb stone, the armorial escutcheons, even the coat and pennons and ensigns of honor, whether attached to the church edifice or elsewhere, were raised, as "heir-looms," to the dignity of inheritable estates, and descended from heir to heir, who could hold even the parson liable for taking them down or defacing them.

The reverent regard of the common law for these memorials is curiously manifested by Coke in the Third Institute, p. 203, where he expatiates upon a monumental stone, in his time more than 400 years old, inscribed with the name of a Jewish Rabbi, and inlaid in the ancient wall of London—as if to intimate that the law would protect from injury that venerable piece of antiquity.

But at this point the courts of the common law stopped, and held, in humble deference to the ecclesiastical tribunals, that the heir could maintain no civil action for indecently or even impiously disturbing the remains of his buried ancestor, declaring the only remedy to belong to the parson, who, having the freehold of the soil, could maintain trespass against such as should dig or disturb it. The line of legal demarkation established in this subject, between the ecclesiastical and the common law courts, is thus defined by Coke: "If a nobleman, knight, esquire, etc., be buried in a church, and have his coat-armour and pennons, with his armes, and such other insigns of honour as belong to his degree or order, set up in the church, or *if a grave-stone be laid or made for memory of him*, albeit the freehold of the church be in the parson, and that these be annexed to the freehold, yet cannot the parson, or any, take or deface them, but he is subject to an action to the *heire and his heires*, in the honour and memory of whose ancestors they were set up." [1st Inst. 4, 18 b.] In the Third Institute, page 203, he asserts the authority of the Church as follows: "It is to be observed," says he, "that in every *sepulchre* that hath a monument, "two things are to be considered: viz, the monument "and the *sepulture* or buriall of the dead. The *buriall* "of the *cadaver*, that is, *caro dato vermibus*," (flesh given to worms,) "is *nullius in bonis*, and belongs to "ecclesiastical cognizance; but as to the monument, "action is given, as hath been said, at the common "law, for the defacing thereof."

With all proper respect for the legal learning of this celebrated Judge, we may possibly question both the wisdom and the etymology of this verbal conceit, this fantastic and imaginary gift, or outstanding grant to the worms. In the English jurisprudence, a corpse was not given or granted to the worms, but it was taken and appropriated by the Church. In Latin, it was a "*cadaver*," only because it was something *fallen (a cadendo)*, even as the remains of fallen cities, in the letter of Sulpicius to Cicero (Lit. Fam. 7), are denominated "*cadavera oppidorum.*"

The learned lexicographers and philologists, Martinius and the elder Vossius, both of them cotemporaries of Coke, wholly dissent from his whimsical derivation. Martinius derives "cadaver" from "*cadendo, quia stare non potest,*" Lexicon Philologicum Martinii, 1720—while Vossius unequivocally reproves the derivation in question as an act of pleasant but inflated trifling. "*Suaviter nugantur,*" says he, "qui cada-"ver *conflatum aiunt*, ex tribus vocibus, caro data vermibus." Etymologicon Linguæ Latinæ, Amsterdam, 1662. And yet this inflated Latin trifle, the offspring only of Coke's characteristic and inordinate love of epigram, has come down through the last three hundred years, copied and recopied, and repeated again and again by judges and legal writers, until it has imparted its tincture to the law of the dead throughout every portion of the earth which listens to the English tongue.

But even the *dictum* itself, if closely examined, will not be found to assert that no individual can have any legal interest in a corpse. It does not at all assert that the corpse, but only that the "*buriall*" is "nullius in bonis;" and this assertion was legally true in England, where it was made, for the peculiar reason above stated, that the temporal office of burial had been brought within the exclusive legal cognizance of the Church, who could and would enforce all necessary rules for the proper sepulture and custody of the body, thus rendering any individual action in that respect unnecessary. The power thus exercised by the ecclesiastical tribunals was not spiritual in its nature, but merely temporal and juridical. It was a legal, secular authority, which they had gradually abstracted from the ancient civil courts, to which it had originally belonged; and that authority, from the very necessity of the case, in the State of New-York, must now be vested in the secular courts of justice.

The necessity for the exercise of such authority, not only over the burial, but over the corpse itself, by some competent legal tribunal, will appear at once if we consider the consequences of its abandonment. If no one has any legal interest in a corpse, no one can legally determine the place of its interment, nor exclusively retain its custody. A son will have no legal right to retain the remains of his father, nor a husband of his wife, one moment after death. A father cannot legally protect his daughter's remains from exposure or insult, however indecent or outrageous, nor demand their re-burial if dragged from the grave. The dead deprived of the legal guardianship, however partial, which the Church so long had thrown around them, and left unprotected by the civil courts, will become in law nothing—but public nuisances, and their custody will belong only to the guardians of the public health, to remove and destroy the offending matter, with all practicable economy and dispatch. The criminal courts may punish the body-snatcher who invades the grave, but will be powerless to restore its contents. The honored remains of Alexander Hamilton, reposing in our oldest churchyard, wrapped in the very bosom of the community, built up to greatness by his consummate genius, will become "*nullius in bonis,*" and belong to that community no longer. The sacred relics of Mount Vernon may be torn from their "mansion of rest," and exhibited for hire in our very midst, and no civil authority can remand them to the tomb.

Applied to the case now under examination, the doctrine will deny a daughter, whose filial love had followed her father to the grave, and reared a monument to his memory, all right to ask that his remains, uprooted by the city authorities and cast into the street, shall again be decently interred. In England, with judicial functions divided between the State and the Church, the secular tribunals would protect the monument, the winding sheet, the grave clothes, even down to the ribbon (now extant) which tied the *queue*; but the Church would guard the skull and bones. Which of these relics best deserves the legal protection of the Supreme Court of law and equity of the State of New-York? Does not every dictate of common sense and common decency demand a common protection for the grave and all its contents and appendages? Is a tribunal like this, under any legal necessity for measuring its judicial and remedial action, by the narrow rule and fettered movement of the common law of England crippled by ecclesiastical interference? but may it not put forth its larger powers and nobler attributes, as a court of enlightened equity and reason?

The due protection of the dead engaged the earnest attention of the great lawgivers of the polished nations of antiquity. The laws of the Greeks carefully guarded the private rights of individuals in their places of interment; and a similar spirit shines forth, in the clear intelligence and high refinement of the Roman jurisprudence. In the digest of the Civil Law, pl. 47, tit. 12, we find the beneficent and salutary provision, which gave a civil remedy, by the "*Sepulchri violati actio,*" to every one interested, for any wanton disturbance of a sepulcher, and where "ULPIAN, prætor, "ait—Cujus dolo malo sepulchrum violatum esse "dicetur in eum in factum judicium dabo ut *ei ad* "*quem pertineat*, quanti ob eam rem æquum, videbatur condemnetur. Si nemo erit ad quem pertineat, "sive agere nolet; quicunque agere volet, ei centum "aureorum, *actionem dabo;*" a sepulcher being comprehensively defined, by another clause, to be, any place in which the body or bones of a man were deposited—"*Sepulchrum est, ubi corpus ossave hominis, condita sunt.*" Dig. pl. 7, sec. 2.

Nor does the *dictum* of Coke, now under consideration, assert—for historically it would not be true—that no individual right to protect the repose of the dead had ever existed under the common law of England. So far from that, we see in the provision above extracted from the digest that the individual right did exist during the greater part of the four hundred years when England, then called Britain, formed part of the Roman Empire. In the six centuries of Saxon rule which succeeded, as is forcibly observed by Chancellor Kent, the Roman civilization, laws, usages, arts and manners must have left a deep impression, and have become intermixed and incorporated with Saxon laws and usages, and *constituted the body of the ancient common law.* 1 *Kent Com.*, 547.

The provision in question had been introduced into the Roman jurisprudence long before its systematic codification by Justinian. It bears on its face the name of Ulpian, the great Roman jurist, who not only lived as early as the second century of the Christian era, but actually assisted, (as Selden states in his Appendix to Fleta,) in the judicial administration of Britain. He was the cotemporary and doubtless the personal friend of the celebrated prætorian prefect Papinian, himself the most distinguished lawyer of his age, and chief administrator, in the year 210 of the the Roman Government at York. Selden glowingly depicts the judicial illumination of that early British age, as flourishing alike under the "*Jus Cæsareum,*" the imperial law, and its able administration by those two most accomplished and illustrious Romans, "viri "peritissimi, illustrissimique e Romanis." [*Selden App. to Fleta*, 478.

Nor is there any reason to believe that the Romanized British, when released, in the fifth century, from their political allegiance to the Empire, abandoned the civilization, or abrogated the laws or usages which they had so long enjoyed; still less that they would seek or desire in any way to withdraw from their sepulchers and graves the protection which those laws had so fully secured. There is not a shadow of historical evidence that under the Saxon invaders who succeeded the Roman governors, any less respect was shown for the buried dead. On the contrary, it is distinctly shown by the Scandinavian historians that these partially civilized Saxons had been specially taught to reverence their places of burial by their great leader, Odin, the father of Scandinavian letters, distinguished for his eloquence and persuasive power, and especially commemorated as being the first to introduce the custom of erecting grave-stones in honor of the buried dead.

In the dim and flickering light, by which we trace the laws of these long-buried ages, the fact is significant and instructive, that of the several founders of the seven little Saxon kingdoms constituting the Heptarchy, nearly all deduced their descent, more or less remotely, from Odin himself. Hengist, who led the Saxon forces into Britain, and became first King of Kent, claimed with peculiar pride to be his great-grandson—rendering it quite improbable that during the rule of himself or his race, or that of his kindred sovereigns, which lasted from three to four hundred years, Saxonized Britain learned to abandon its buried ancestors, or hold them in law "*nullius in bonis.*"

Nor do we find in the occasional inroads of the Danes, temporarily disturbing the Saxon Governments of England, any evidence that they obliterated, in the slightest degree, the reverential usages in the matter of the dead, coming down from Odin. The early laws of that rude people, carefully collected in the twelfth century by the learned antiquary Saxo Grammaticus, speak with abhorrence of those who insult the ashes of the dead, not only denouncing death upon the "alieni "corruptor cineris," but condemning the body of the offender to lie forever unburied and unhonored. Law of Frotho, Saxo Grammaticus, Lib. 5.

The law of the Franks, near neighbors of the Saxons, cited by Montesquieu (Spirit of Laws, Lib. 30, ch. 19), not only banished from society him who dug up a dead body for plunder, but prohibited any one from relieving his wants, until *the relatives of the deceased* consented to his readmission—thus legally and distinctly recognizing the peculiar and personal interest of the relatives in the remains.

We are, indeed, so surrounded by proof of the universal reverence of the Gothic nations for their buried ancestors, that we are justified in assuming it to be historically certain, that the barbarous idea of leaving the dead without legal protection never originated with them; that the enlightened provision of the Roman jurisprudence, which protected in Britain the individual right to their undisturbed repose, not only remained unaffected by the Saxon invasion, but was implanted by that event still more deeply in the ancient common law of England; and that it must have been vigorously enforced, as well by the earliest secular courts of the Anglo-Saxons, as in that transition period of their judicial history, when the Sheriff and the Bishop, sitting side by side on the bench, united the law and the ecclesiastical authority in a single tribunal.

Nor was the right to protect the dead eradicated by the Norman conquest. It is true that the swarm of Romish ecclesiastics which poured into England with the Conqueror exerted themselves actively and indefatigably to monopolize for the Church the temporal authority over the dead; but that by no means proves that they were left unprotected. On the contrary, it was a concentration in the ecclesiastical body of every right which any individual had previously possessed to secure their repose. The individual right was not extinguished; it was only absorbed by the Church, and held in suspense, until some political revolution or religious reformation should overthrow the ecclesiastical power which had thus secured its possession.

The ecclesiastical element was not eradicated from the framework of the English Government, either by the Reformation of Luther, or the act of Parliament establishing the Protestant Succession, but in the portion of the world which we inhabit, the work has been more thoroughly accomplished. The English emigration to America—the most momentous event in political history—commenced in the very age when Chief-Justice Coke was proclaiming, as a legal dogma, the exclusive authority of the church over the dead. The liberty-loving, God-fearing Englishmen, who founded these American States, had seen enough and felt enough of "ecclesiastical cognizance," and they crossed a broad and stormy ocean to a new and untrodden continent to escape from it forever.

It may well be that some of the legislative enactments of these weather-beaten men, in the early morning of their political life, while yet unused to the meridian light of religious freedom, are disfigured by the same intolerance they had left behind them. They may have even mingled in their general scheme of civil polity, an ecclesiastical element sterner and more searching than that of the church from which they dissented. The curious historian may analyze if he will, the earnest puritanism of early New-England, or even the sturdy bigotry of early New-Netherland; it is enough for the Commonwealth of New-York, "by the grace of God free and independent," to know that its first written constitution, born in 1777, in the very depths of the Revolutionary struggle, extirpated from the body politic every lingering element of ecclesiastical cognizance or spiritual authority. On all its features it bears the unextinguishable love of religious freedom, brought to our shores by the refugees from ecclesiastical tyranny, not only in England, but in Holland and France. Its ever memorable declaration of religious independence—offspring of the lofty intellect and noble heart of John Jay, and glowing bright with his Huguenot blood—proclaims to the world the fundamental resolve, "not only to expel civil "tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and "ambition of weak and wicked priests and princes "have scourged mankind."

Following up this fixed determination, and yet with wise regard and unaffected reverence for the Christian Church in its purity, the illustrious authors of this Magna Charta of our religious liberty prohibit any "minister of the Gospel, or priest of any denomination," from holding any office, civil or military, within the State—inscribing in the organic law, thus unmistakably, their settled purpose to deliver both dead and living from ecclesiastical cognizance, to emancipate the courts of justice from every priestly or medieval fetter, and to allow them to breathe, through all coming time, the invigorating air of ancient, Anglo-Saxon freedom.

It is a striking proof of the inveterate attachment, even of the most enlightened nations, to prescriptive authority, that the monkish idea of the churchyard as an engine of spiritual power, not only lingers in England, but is boldly proclaimed in its very metropolis. Within the last two years the Archdeacon of London, in an official address to the clergy of the Established Church within his district, openly complains of modern legislation in the British Parliament, in establishing extra-mural cemeteries around their crowded cities; for, says he, "the church and the *churchyard* of the "parish have hitherto been one of the strongest ties "*to bind the people* at large to the communion of the "Church." And again, "Burial *bound*, I say, *the* "*people*, in the metropolis, to the Established Church."

It certainly is not for us to interfere with the ecclesiastical law of England, nor needlessly to criticise its claims to the respect of the people whom it binds. We only ask to banish its maxims, doctrines and practices from our jurisprudence, and to prevent them from guiding, in any way, our judicial action. The furgeous excrescence which required centuries for its growth, may need an efflux of ages to remove. Burial in the British Islands may possibly remain for many generations subject exclusively to "ecclesiastical cognizance;" but in the new, transplanted England of the Western continent the dead will find protection, if at all, in the secular tribunals, succeeding, by fair inheritance, to the primeval authority of the ancient, uncorrupted common law.

It is gratifying, however, to perceive that even in the English courts, traces are becoming discernable of a disposition to recognize the ancient right of burial at common law. In the year 1820, a legal claim was made by one Gilbert, to bury in a London churchyard, the body of his wife in an iron coffin, but it was resisted by the Churchwardens, Buzzard and Boyer, on the ground that it would injuriously prolong the period when the natural decay of the body and of a wooden inclosure would make room in the grave for another occupant. An application had been previously made in the same matter to the King's Bench, for a *mandamus* (reported in 2 Barn. and Ald. 806), on which occasion the distinguished counsel, Mr. Scarlett and Mr. Chitty, claimed that the right of interment existed at common law. In refusing the application Chief Justice Abbott said, "It may be admitted for the purpose "of the present question, that the right of sepulture is "*a common law right*, but I am of opinion that the "*mode of burial* is a subject of ecclesiastical cogni-"zance." Mr Justice Holroyd, after duly reproducing Coke's "*caro data vermibus,*" declared that "burial is "as much a matter of ecclesiastical cognizance, as "the prayers that are to be used, or the ceremonies "that are to be performed at the funeral."

The matter, which had caused some public disturbance in London, was thereupon carried into the ecclesiastical Court, then adorned by the learning and talents of Sir William Scott, (since Lord Stowell). In the very elaborate and eloquent opinion delivered by the accomplished Judge on that occasion, (reported in 3 Phillimore, p. 335), he reviews the whole history of burial, from the remotest antiquity, philosophically tracing the progress of interment through the heathen and the Christian ages. Drawing a distinction between the coffined and uncoffined funerals of early times, he admits that many authoritative writers assert the right of a parishioner to be buried in his own parish churchyard, but he denies that it necessarily includes the right to bury a "trunk or chest" with the body. "*The right,*" he says, "*strictly taken*, is, to be returned to "the parent earth for dissolution, and to be carried "there in a decent and inoffensive manner." The honest sense and feeling of the Judge were struggling with ecclesiastical law and usage, but he came to the conclusion, that no mode of burial could be permitted, which would prolong the natural decay of the body, or needlessly preserve its identity—that the lapse of a single generation is practically sufficient, for mingling human remains with the earth, and destroying their identity—that the dead having no legal right to crowd the living, each buried generation must give way to its successor—and that, therefore, an iron coffin, which would unduly and unlawfully prolong the period for identifying the remains, was ecclesiastically inadmissible, unless an extra fee were paid to the church.

The Court will perceive, by the proofs in the case now under examination, that the remains of the exhumed body are identified beyond doubt or question. The skeleton of the "posthumous man" is now legally "standing in court," distinctly individualized—with his daughter, next and nearest of kin, at his side—to ask that the tribunal whose order for widening the street ejected him from the grave will also direct his decent reinterment.

It was the pride of Diogenes, and his disciples of the ancient school of cynics, to regard burial with contempt, and to hold it utterly unimportant whether their bodies should be burned by fire, or devoured by beasts, birds or worms; and a French philosopher of modern days, in a somewhat kindred spirit, descants upon the "glorious nothingness" of the grave, and that "nameless thing"—a dead body. The secular jurisprudence of France holds it in higher and better regard. In the interesting case reported in *Merlin's Repertoire*, Tit. *Sepulture*, where a large tract of land near Marseilles had necessarily been taken for the burial of several thousand bodies, after the great plague of 1720, it was adjudicated by the secular court that the land should not be profaned by culture, even of its surface, until the buried dead had moldered into dust. The eloquent *plaidoyer* of the *Avocat-General* upon that occasion dwells with emphasis on the veneration which all nations, in all ages, have shown for the grave—adding, however, with some little tinge of national irreverence, "*C'est une vene-*"*ration toujours revocable! et toujours subordonee* "*au bien public.*"

In portions of Europe during the semi-barbarous state of society in the middle ages, the law permitted a creditor to seize the dead body of his debtor; and in ancient Egypt, a son could borrow money, by hypothecating his father's corpse; but no evidence appears to exist, in modern jurisprudence, of a legal right to convert a dead body to any purpose of pecuniary profit.

It will be seen that much of the apparent difficulty of this subject, arises from a false and needless assumption, in holding that nothing is property that has not a pecuniary value. The real question is not of the disposable, marketable value of a corpse, or its remains, as an article of traffic, but it is of the sacred and inherent right to its custody, in order decently to bury it and secure its undisturbed repose. The insolent dogma of the English ecclesiastical law, that a child has no such claim no such exclusive power, no peculiar interest in the dead body of its parent, is so utterly inconsistent with every enlightened perception of personal right, so inexpressibly repulsive to every proper moral sense, that its adoption would be an eternal disgrace to American jurisprudence. The establishment of a right so sacred and precious, ought not to need any judicial precedent. Our courts of justice should place it, at once, where it should fundamentally rest forever on the deepest and most unerring instincts of human nature; and hold it to be a self-evident right of humanity, entitled to legal protection, by every consideration of feeling, decency, and Christian duty. The world does not contain a tribunal that would punish a son who should resist, even unto death, any attempt to mutilate his father's corpse, or tear it from the grave for sale or dissection; but where would he find the legal right to resist, except in his peculiar and exclusive interest in the body?

The right to the repose of the grave, necessarily implies the right to its exclusive possession. The doctrine of the legal right to open a grave in a cemetery, after a certain lapse of time, to receive another tenant, however it may be sanctioned by custom in the English churchyards, or by continental usage at Pere-La-Chase and elsewhere, will hardly become acceptable to the American mind, still less the Italian practice of hastening the decomposition of the dead by corrosive elements. The right to the individuality of a grave, if it exist at all, evidently must continue, so long as the remains of the occupant can be identified—and the means of identifying can only be secured and preserved by separate burial. The due and decent preservation of human remains by separate burial, is preëminently due to Christian civilization, which, bringing in the coffin and the sarcophagus, superseded the heathen custom of burning, and "gave," in Lord Stowell's vivid phrase, "final extinction to the sepulchral bonfires."

The monument erected over a grave is expressly intended to individualize its occupant; and it would be a most singular mockery to protect the monument and leave the grave itself to be filled with other tenants. The church, in the present case, as keeper of the cemetery, by permitting the erection of the monument, virtually consented that it should stand, to perform its appropriate, individualizing office. Such a monument could not be disturbed in England, even by the Established Church; for the daughter, as the lawful heir, could at once arrest the sacrilege, or obtain ample indemnity. By every principle of enlightened reason, she is equally entitled, as next of kin, to protect her father's remains. No one will deny that the moral if not the legal duty of reburying them first devolves on her, and it is because their ejection from the grave thus burdens her with the duty, that she is plainly entitled to claim that the expense shall be defrayed by the fund awarded to indemnify the parties damaged. The father, identified by the monument, had lain separate for more than fifty years. The church could not have lawfully mingled any other remains with his, nor can the daughter now be required, either in justice or decency, to destroy their individuality, still less to permit them to be cast into any common receptacle of undistinguishable rubbish.

To throw a dead body into a river, was held by the Supreme Court of Maine to be an indictable offense, 1 Greenl. 226, and it would not be less indecent and criminal, to empty into the streets of the city, or into the waters which wash its shores, the bones and ashes of an ancient cemetery. The criminality of the act, as of any other violation of the grave, is not, as is erroneously asserted, in invading the imaginary rights of the dead, but in outraging the Christian sensibilities of the living. The "conditio sepulturæ," in the expressive language of St. Augustine, is, "magis vivo-"rum *solatia* quam subsidia mortuorum." It was the special punishment, not of the buried dead, but of the living sinners of unhappy Jerusalem, that spread the bones of her inhabitants, "before the sun and the "moon, and all the host of heaven." It is not the buried Moses Sherwood, but his living daughter, Maria Smith, who now claims the right to his quiet repose, in the grave where she laid him. That repose has been disturbed, under the forms of law, against her will. As the only reparation the case admits, she asks for the re-interment of the remains in a separate grave, to be individualized by the monument which, as her lawful "heir-loom," the law preserves, from generation to generation, for that very purpose. The cemetery which contained them was expressly taken by the church, to perform this very office of sepulture. As a cemetery, its use was a charitable as well as a religious use—a trust which this Court, in the exercise of its undisputed equity powers, and wholly irrespective of any assumption or resumption of authority ever possessed by any ecclesiastical body, may now duly control and regulate.

The claimant, after fifty years' occupancy by her father of the grave, may rightfully be held to be one of the beneficiaries for whom the charitable use was created, and for whose benefit and protection it should be carried into full effect. The fund representing a part of the very land thus devoted to the charitable use is now in the possession of the Court, its legitimate guardian, and subject to its equitable direction.

In obedience to its order, requiring the undersigned to state his opinion on the proofs, he therefore respectfully reports that, upon the grounds above stated, it is competent for the Court to retain from said fund a sum sufficient to cover the expenses of reinterring the remains of Moses Sherwood in a separate grave, in such reasonable locality as the said Maria Smith may select. One hundred dollars will suffice for the purpose, and such part of it as may be needed should either be paid to the said Maria Smith or expended by the Church under her direction.

The proofs taken on the present reference, and hereto annexed show that eighty graves, in all, were disturbed by the widening of the street—but no claim for damages, or for reinterment, has yet been presented, except in the case above stated. The remains of the bodies in the other graves have been temporarily deposited under the church in Beekman street, to be properly interred elsewhere, in case of its sale. It is due to the upright and intelligent gentlemen who constitute the Board of Trustees of the church, to state that they earnestly desire the decent and lawful reinterment of all the remains removed from their cemetery by the widening of the street, but that, in view of their proper responsibilities and the general importance of the principle involved, they deem it necessary to act in the matter under the direction and authority of the Court.

It is respectfully submitted that the following legal principles necessarily result from the fundamental truth that no ecclesiastical element exists in the jurisprudence of this State, or in the framework of its government; and that they may be properly taken as a guide for judicial action in the present case:

I. That neither a corpse, nor its burial, is legally subject in any way, to ecclesiastical cognizance, nor to sacerdotal power of any kind.

II. That the right to bury a corpse and to preserve its remains is a legal right, which the Courts of Law will recognize and protect.

III. That such right, in the absence of any testamentary disposition, belongs exclusively to the next of kin.

IV. That the right to protect the remains includes the right to preserve them by separate burial, to select the place of sepulture, and to change it at pleasure.

V. That if the place of burial be taken for public use, the next of kin may claim to be indemnified for the expense of removing and suitably reinterring the remains. SAMUEL B. RUGGLES, Referee.

New-York, Jan. 15, 1856.

Our readers cannot fail to perceive the comprehensive character of the "Five Points," thus concisely stated. They constitute of themselves a perfect code for the protection of the dead, and deserve to be incorporated, without alteration or qualification, into the jurisprudence, and if necessary, into the legislation of every Anglo-American State on this continent.

Judge Davies in his opinion adopting the Report of the Referee, explicitly affirms them as the fundamental principles governing his decision.

At a meeting of the Board of Trustees of the Brick Presbyterian Church, on the 13th of May, 1856, it was unanimously

Resolved, That the thanks of this Board are due, and are hereby respectfully tendered, to Mr. Ruggles, for the very efficient and satisfactory manner in which he has vindicated the rights of the dead, and the clearness with which he has established the duties and obligations of those legally entitled to their custody.

Resolved, That the principles established in the Report—expressly affirmed as they are in the opinion of his Honor Judge Davies, committing the dead exclusively to the next of kin, and thereby rescuing them from every usurped authority—are peculiarly consonant to our free and enlightened Republican institutions; that these principles individually interest not only ourselves and our descendants through coming ages, but deserve to be universally and fundamentally incorporated into American jurisprudence.

Resolved, That extensive circulation should be given to this Report, in the belief that its humane, enlightened and Christian doctrines may commend themselves to the Judicial and Legislative authorities throughout our country, and be extended to every community enjoying the blessings of Christian freedom and civilization.

THE VOICE OF THE FREE BAPTISTS.

Correspondence of The N. Y. Tribune.

MEREDITH, N. H., Thursday, May 29, 1856.

The following resolutions were passed by a large and respectable body of Free Baptists, known as the Sandwich Quarterly Meeting, convened at Meredith, N. H., May 28, 1856, and by vote of said body are hereby forwarded, through their Secretary, for publication in THE N. Y. TRIBUNE. They are but a faint expression of the feelings of said meeting.

J. RUNNELS, Secretary.

Resolved, That freedom of speech and of the press is a privilege guaranteed to every American citizen, and that each is amenable to regularly constituted tribunals for his manner of using it.

Resolved, That attempts to silence such freedom by brute force is characteristic of a state of barbarism and not of civilization.

Resolved, That the recent cowardly attack on the Hon. Chas. Sumner, while busily writing at his desk in the Senate Chamber, by Preston S. Brooks of South Carolina is a high-handed outrage—an exhibition of savage ferocity—clearly presenting the influence of Slavery, not in its blighting effects upon the soil, or its crushing results upon the enslaved, but in its complete demoralizing work on the enslavers themselves—rendering their companionship wholly undesirable to all who possess any share of self respect.

Resolved, That we are sincerely grateful to the Hon. Charles Sumner for his masterly speech recently given in the United States Senate, in which such scorching rebukes were dealt out to the propagators of Slavery; and that we would cheer him, in regard to the ruffianly assault, with the consideration that every blow leveled upon him will eventually prove thousands of blows falling surely and effectively to the final overthrow of the "peculiar institution."

Resolved, That the fact that a murderer, in the person of a Representative from California, with no investigation into his crime, is permitted to retain his place in Congress and daily enter into the deliberations of our National Legislature, is a humiliating point which should make every American citizen blush with shame for his country, and that it tends to bring into serious disrepute, among the people, both legislative bodies and the laws they may enact.

Resolved, That the aggressions of Slavery—in the Fugitive Slave Law, the breaking up of the Missouri Compromise, the passage of the Kansas-Nebraska bill, the wrongs inflicted upon Kansas by non-residents in her elective franchise, the wanton oppression and butchery of her citizens by marauders from other States, which oppressions have been directly or indirectly aided and encouraged by United States officers, nay, even by Executive authority—all of which has now culminated in the destruction of Lawrence, the slaughter or putting to flight of its inhabitants, and that, too, after they had unhesitatingly, and quietly submitted to every reasonable demand, and, indeed, to some of those wholly unreasonable—fill our bosoms with burnings wholly inexpressible in words, but which prompt us to arouse and enter into vigorous, determinate, restless action, in every prudent consistent way, for the downfall of Slavery.

Resolved, That we recommend the formation of Associations in our several towns for the purpose of raising funds to aid the inhabitants of Kansas in their distressed and needy circumstances, and that we will further this effort so far as we can.

THE STATE OF EUROPE.

From Our Own Correspondent.

LONDON, Tuesday, May 20, 1856.

When peace was concluded at Paris the public expected an epoch of undisturbed repose for the next future, much swindling and speculation on the Exchange, an apparent commercial prosperity, and, in spite of the Italian episode of the conferences, no stirring political incidents. The publication of the tripartite treaty of April 15 at once dispelled those dreams, and serious apprehensions are now entertained and new revolutions dreaded. The mystery about the real purpose of the treaty, as well as about its publication, is not yet solved, nor does it appear reconcilable with the steps taken in regard to the Italian question. The treaty was evidently intended to remain secret, as its purpose was to secure Austria against Russian revenge. Why, then, was it published, when the publication could not fail to unmask the real feelings of distrust entertained by the three contracting powers against Russia? Lord Palmerston says privately that the Russians got a hint of it, and under such circumstances it was more expedient at once to publish it. The Austrian official paper explains it away rather awkwardly, by saying that it was concluded, not from any distrust against Russia, but in view of the collapse of the Turkish empire, undermined as it is by the so-called reforms extorted from the Sultan by Lord Redcliffe. Napoleon remains silent, but has not yet had the treaty published in the *Moniteur*, and has revenged himself for Palmerston's indiscretion by making known the dissensions between Lord Raglan and the French Government in April, 1855. Poor Lord Raglan was until now excused for his military incapacity by his alleged amiability, which alone could maintain the good understanding between the two Allied camps. But now we are suddenly and unexpectedly informed that Napoleon sent orders to Canrobert for taking the field toward Sympheropol, leaving only a corps of observation before the besieged fortress, in April last year. The English Commander-in-Chief refused his coöperation; Canrobert had to resign his command, and the plan of the Emperor had to be given up on account of Lord Raglan's opposition, who soon afterward died; but the responsibility of the campaign still continued to rest upon the English. This official revelation of past facts, belonging altogether to history, but certainly very annoying to the English Government, shows sufficiently that the spirit of Napoleon is unfriendly to England. Thus the threads of the alliance are breaking one by one. In the meanwhile Count Cavour takes advantage of his position as champion of Italy and defies Austria in his speeches in the Chambers at Turin, and goes even so far as to denounce the Austrian Concordat with the Pope. Unless he is certain of Anglo-French support, the attitude of Sardinia becomes ridiculous, nay dangerous; but if England and France are ready to support Sardinia, what becomes then of the triple alliance with Austria? Francis Joseph seems to feel uncomfortable, and accordingly is trying to renew the mutual-guarantee treaty with Prussia, which has lapsed by the conclusion of peace, but Prussia objects to manifest any distrust against France by an engagement with Austria during peace. The King of Naples and the Pope are astonished to see Austria joining England and France in the advice to reform their government and to make concessions; Belgium and Spain fear lest Napoleon may interfere in their internal concerns under the pretext of the licentiousness of the Press; the Sultan cannot keep down the discontent sown by the Hat Hamayoun, both among Mussulmans and Christians; and the King of Greece speaks again of resigning the Crown since the presence of the occupying troops at his capital makes him contemptible to his subjects. Such is the condition of Europe at the present moment, two months after the conclusion of peace—dark clouds rising on all parts of the horizon, difficulties and complications growing out of the Conferences, while the prestige of the leading Powers is broken and the throne of France is undermined by secret societies. Indeed, the prospects of the peace party are not very bright, but diplomatists are having a great time. They are busy everywhere, acting, and spying, and making confusion worse confounded. The presentiment of a crisis thrills through the heart of Europe. It is possible that I may be mistaken, but matters look certainly threatening all around. It is true that Napoleon seems to be less anxious about Italy than a fortnight ago, and his enemies suggest even, not without plausibility, that he only feigned a solicitude for Italy in order to silence the opposition of Piedmont and England toward his intended crusade against the Press in Belgium, Sardinia and Spain, and that having gained his point, he seeks to ally himself with Austria. Whatever be at the bottom of his policy, so much is certain—that even his warmest English friends begin to say that he is an unsafe man, upon whose words not only Frenchmen but likewise foreign statesmen cannot rely. As to a pretended secret treaty beside the treaty of the 15th of April, it does not seem that any such document is in existence. Disraeli made yesterday a preliminary attack on the Government on account of the duplicity with which on one side it encourages Sardinia, while on the other it enters into an alliance with Austria; and he wound up his speech with denouncing "the intrigues of politicians who are not "Italians, and who, for the sake of getting an impulse and support which otherwise they might not "command, trifle with the fate of a great people, "pander to the lust of secret societies, pretend to "sympathy they do not feel, and, for the love of "popular applause and a momentary success, "compromise the destiny of a great and gifted "nation." Lord Palmerston, writhing under such terrible accusation, tried to turn the indignation of the conservative orator into ridicule; and as everybody well knew that Disraeli is never in earnest about anything but his own accession to power, and that his eloquent outburst was altogether fictitious, without any real feeling for Italy, the noble Lord succeeded easily in effacing the impression of the speech of his adversary. Still the explanations about the tripartite treaty, and the relations with Sardinia, were so lame, so elaborately indefinite, and so easily to be interpreted both ways, that even the greatest admirers of the Liberal Premier could not fail to understand that neither Italy nor Austria can ever rely on him.

The dealings of the Credit Mobilier at Vienna have given rise to great indignation among the shareholders. The new commercial law for the Rhenish provinces in Prussia, sanctioned by the King in spite of the strong representations of the Rhinelanders, which were supported by the Prince of Prussia, spreads dissatisfaction all along the left bank of the Rhine. Baron Brunow, who was destined to be Embassador at Vienna, has presented his credentials at the Tuileries on an "extraordinary mission" from St. Petersburgh, said to be connected with the tripartite treaty.

A. P. C.

DENMARK.

THE SOUND DUES.

The following is the protocol of the Danish proposition for the redemption of the Sound Dues, to which the Governments of Russia, of Sweden, and of the Grand Duchy of Oldenburg have given their adhesion:

"The Government of his Majesty the Emperor of all the Russias and of his Majesty the King of Sweden and Norway having adhered to the propositions made by the Government of his Majesty the King of Denmark relative to the redemption by purchase of the Sound and Belt Dues, the delegates of their said Majesties, as also the delegate of Denmark, in the negotiation on the dues, have agreed to make a declaration by the present protocol of the different points arrived at by that negotiation.

"Although the Government of his Royal Highness the Grand Duke of Oldenburg has also adhered to the said propositions, the delegate of his Royal Highness in the negotiation on the dues could not take part in this act, being absent from Copenhagen.

"The delegate of his Danish Majesty, in recapitulating the propositions which he made in the Conferences of the 4th of January and the 2d of February of the present year, states them as follows:

"Denmark renounces the Sound and Belt Dues in consideration of a compensation of 35,000,000 of rix-dollars (rigsmynt) on the following conditions:

"'*a*. The purchase shall include all the Powers interested in the commerce and navigation of the Sound and of the Belts. That the abolition of the dues may become obligatory the purchase must be agreed to by all the Powers represented in the present negotiation, Denmark reserving to itself to treat separately with Powers not represented.

"'*b*. The said sum of 35,000,000 rix dollars shall be considered as compensation for dues on shipping as well as on cargoes. The dues on shipping to be regulated according to flag; the dues on cargoes to be divided by one half on imported and the other half on exported merchandise by the Sound or the Belts.'

"The payment of the quota which, according to table N. B., presented in the Conference of the 2d of February, will fall to the lot of each Power represented will be assured to Denmark in such manner as will seem to it satisfactory.

"In the Conference held on the 4th of January last were present the delegates of Austria, Belgium, Denmark, Spain, France, Great Britain, the Netherlands, Prussia, Russia, and of Sweden and Norway.

"At the Conference of the 2d of February, in addition to the above-named delegates, the delegate of his Royal Highness the Grand Duke of Oldenburg was present.

"The delegate of his Danish Majesty repeats the declaration already made by him in the Conference of the 2d of February, that, according to the precise orders of his Government, the sum indicated above is the *minimum* of the indemnity which Denmark thinks she has a right to ask for the abolition of the dues.

"Conformably to the principles proposed for the division of the eventual indemnity the quota for which the different Powers represented in the present negotiation shall contribute to the said sum of 35,000,000 rix-dollars are:

	Rix-dollars.	
For Denmark	1,122,078	3·21 per cent of 35,000,000
For Austria	23,434	0·08 per cent of 35,000,000
For Belgium	301,455	0·86 per cent of 35,000,000
For Spain	1,023,012	2·91 per cent of 35,000,000
For France	1,219,003	3·48 per cent of 35,000,000
For Great Britain	10,126,855	28·93 per cent of 35,000,000
For Norway	667,225	1·91 per cent of 35,000,000
For Oldenburg	28,127	0·04 per cent of 35,000,000
For the Netherlands	1,408,060	4·02 per cent of 35,000,000
For Prussia	4,440,027	12·69 per cent of 35,000,000
For Russia	9,739,993	27·83 per cent of 35,000,000
For Sweden	1,590,306	4·55 per cent of 35,000,000
Total	31,692,776	

"The remaining sum of 3,307,224 rix-dollars falls to the charge of the Powers not represented in the present negotiation, inasmuch as it was able to specify those Powers in table N. B.

"The delegate of Denmark declares, as expressly understood, that the Governments adhering to the propositions which he has made shall only be eventually responsible for the quotum falling to the charge of them, as in the division indicated above.

"The delegate of his Majesty the Emperor of All the Russias renews the adhesion of the Imperial Cabinet already expressed by him in the Conference of the 2d of February, as well as regards the principle of the redemption as the mode of division proposed by the Danish Government.

"The delegate of the Emperor at the same time declares that the Imperial Cabinet consents to contribute to the redemption of the Sound Dues for the quotum falling to the charge of Russia according to the above indicated division, provided always 'that all 'the Powers represented in the present negotiation 'consent also on their part to the same conditions for 'the redemption of the Sound Dues.'

"The delegate of Denmark accepts this reserve, declaring it to be conformable to the views of his own Government.

"The delegate of His Majesty the King of Sweden and Norway declares that his Government accepts the proposition of the Danish Government, as well as regards the principle of redemption as the amount of indemnity claimed by Denmark.

"The delegates of Russia and of Sweden and Norway point out to observation that the mode of payment of the different quota must be the subject of a special negotiation between Denmark on the one hand and each of the contracting Powers on the other, reserving it therefore for a private agreement to fix the method and term of payment of the quota falling respectively to the charge of Russia and of Sweden and Norway.

"The delegate of Denmark adheres to this observation.

"Finally, the same delegate having pointed out that the present negotiation is temporarily stopped in consequence of a difference of opinion which has arisen between the Danish Government and that of her Britannic Majesty, that, consequently, the labors of the Conference on the Dues might remain a long time in suspense, the length of which it is impossible to fix, the delegate of Russia declares 'That the adhesion of 'the Imperial Government to the Danish propositions, 'as defined above, shall remain in full force until such 'time as the Copenhagen Cabinet itself shall declare 'the negotiation broken off, and shall withdraw the propositions it has made.'

"The delegate of Denmark having expressed the satisfaction with which he takes note of this declaration, and the delegate of Sweden and Norway having declared that he was convinced he would be authorized to make a similar declaration as soon as he should have received the instructions which, the case not having been foreseen, could not have been given to him before, the present delegates agree to leave the protocol open for the eventual adhesion of the other Governments treating with Denmark for a final settlement of the Sound and Belt question.

"Done at Copenhagen, May 9, 1856.

"BLUHME,
"TENGOBORSKI,
"LAGERHEIM."

MARRIED.

BUDD—D'WOLF—On Thursday, June 5, at the Church of the Ascension, by the Rev. Thomas Gallaudet, D. Reynolds Budd of this city, and Kate, daughter of the late Wm. H. D'Wolf of Bristol, R. I.

DICKINSON—WILLETT—At Williamsburgh, Long Island, on Thursday, June 5, Leigh Richmond Dickinson, Rector of Zion Church, Newport, R. I., to Mary, daughter of Thomas Willett, esq., both of Williamsburgh.

JARVIS—ROBINSON—At Ellsworth, Me., Leonard F. Jarvis, esq., of Columbia, Cal., to Miss Mary A., daughter of the Hon. Thos. Robinson of Ellsworth.

LEAVITT—HARTT—At Boston, on Wednesday, June 4, Mr. David Leavitt, jr., of Great Barrington, to Miss Mary Emma, daughter of Samuel Hartt, esq., United States Naval Constructor.

MINER—BURNETT—At Clinton, Mass., on Tuesday, June 3, Mr. Edward M. Miner of Boston, to Miss Emily Burnett of New-York.

POMEROY—SHERMAN—In Castleton, Vt., on Thursday, June 5, by the Rev. G. G. Sax, Mr. John W. Pomeroy of Pittsfield, Mass., to Miss Ann Sherman of Castleton.

RICHARDSON—LOCKWOOD—On Thursday, May 5, at St. Mark's Church, Brooklyn, by the Rev. S. M. Haskins, Mr. S. M. Richardson to Miss Caroline T. Lockwood.

SELDEN—VANDENBERGH—On Thursday, June 5, by the Rev. E. H. Candfield, D. D., Charles Selden to Miss Georgianna L., daughter of James Vandenbergh, esq., all of this city.

SPRAGUE—WASHBURN—On Wednesday, June 4, Mr. John R. Sprague to Helen Secore Washburn.

VANCE—TABOR—At Dover Plains, Dutchess County, N. Y., on Wednesday, June 4, Mr. William Vance of the firm of Vance & Bros., Merchants, San Antonio, Texas, to Miss Frances E. Tabor, daughter of John M. Tabor, esq.

WEEKS—STEWART—On Thursday, June 5, at St. Mary's Church, Brooklyn, by the Rev. D. V. M. Johnson, Mr. S. M. Weeks of Winona, Minnesota, to Miss Sarah Jane, daughter of Robert Stewart, esq., of Brooklyn.

WELCH—SNOW—At Boston, on Tuesday, June 3, B. F. Welch to Miss Sarah M. Snow, both of Boston.

WILKINSON—MAY—On Wednesday, June 4, George Wilkinson to Elida B., daughter of John A. May, all of this city.

WRIGHT—JOHNSON—In Brooklyn, on Thursday evening, June 5, at the residence of the bride's father, by the Rev. O. W. Briggs, Chas. H. Wright to Amelia, daughter of Jas. Johnson, esq., all of the former place.

DIED.

BUTLER—At Evergreen Farm, Scarsdale, Westchester County, on Friday, June 6, Abraham Ogden Butler, only son of Charles and Eliza A. Butler, in the 24th year of his age.
His relatives and friends and those of his parents are invited to attend his funeral on Sunday afternoon, June 8, at 5 o'clock, from the residence of his father, No. 13 East Fourteenth street, without further notice.

BISHOP—On Thursday, June 5, George L., only son of George and Sarah Ann Bishop, aged 6 years and 5 months.

FARRINGTON—At Poughkeepsie, N. Y., on Wednesday, June 4, of consumption, Jarvis Farrington, in the 23d year of his age.

HAZELTON—On Wednesday, June 4, Simon Hazelton, M. D., in the 60th year of his age.

INGRAHAM—At Biddeford, Me., on Tuesday, June 3, Mr. James Ingraham, formerly of Portland, aged 75 years.

JACOBS—On Friday afternoon, June 6, Mrs. Eliza Drayton, wife of Westley B. Jacobs, and fourth daughter of the late John Mitchell, aged 29 years, 1 month and 13 days.
Funeral on Sunday, 8th inst., at 2 o'clock, from No. 1 Benson street. The friends of the family are invited to attend.

JENNINGS—At Hillsboro, N. H., on Monday, June 2, Alex. H. Jennings, formerly of Boston, aged 75 years.

KEEFFE—On Thursday, June 5, Mary, wife of Michael Keeffe.

LA ROZA—On Thursday, June 5, Peter W. La Rosa, aged 47 years and 8 months.

McCARTHY—On Thursday, June 5, Richard McCarthy, in the 42d year of his age, a native of Ireland.

MILLS—At Newton Upper Falls, Mass., on Wednesday, May 28, Miss Esther Mills of Needham, aged 70 years.

MILLS—In Bergen, N. J., on Friday, June 6, of typhoid fever, Henry B. Mills, M. D., late of the New-York Hospital, only son of the Rev. Dr. Mills of Auburn, N. Y., aged 26 years.

RAUB—At Harlem, on Thursday, June 5, Mrs. Mary A. Raub, daughter of Peter Randell, in the 41st year of her age.
The relatives and friends of the family are invited to attend the funeral on Sunday, 8th inst., from her late residence, Avenue A, and One Hundred and nineteenth street, at 3 o'clock. Services at the Reformed Dutch Church, at 3½ o'clock.

ROSS—At St. John, N. B., on Thursday, May 29, Mrs. Asenith Ross, aged 86 years and 2 months. She went to the British Provinces with the Loyalists in the year 1783.

SCHONENWOLD—On Wednesday, June 4, aged 22 years, Anthony Schonenwold, at Ewen street, Brooklyn, E. D.
The remains were interred in the Cemetery of the Evergreens.